



MINUTES OF THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, STATE OF CALIFORNIA

Violet Varona-Lukens, Executive Officer
Clerk of the Board of Supervisors
383 Kenneth Hahn Hall of Administration
Los Angeles, California 90012

County Counsel

At its meeting held February 8, 2005, the Board took the following action:

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Supervisor Knabe made the following statement:

“The Building Industry Association (BIA) has filed a petition with the California Supreme Court, asking it to review a recent Court of Appeal decision concerning the San Diego County municipal storm water permit. In that case, *Building Industry Association of San Diego v. State Water Resources Control Board*, the Court of Appeal ruled against the BIA and held that a Regional Water Quality Control Board can require municipalities to comply with clean water standards by implementing measures that may be technologically infeasible or unreasonably expensive, and that go beyond the so-called Maximum Extent Practicable (MEP) standard.

“This ruling could affect the County’s own municipal storm water permit litigation, *County of Los Angeles v. California Regional Water Quality Control Board*, Case No. BS 080758, as well as municipal storm water permits throughout the State. In our own case, our attorneys have advocated that the County’s obligations to meet clean water standards should be subject to the MEP standard.

“The BIA has asked the County and other municipalities to send letters to the California Supreme Court supporting the BIA’s petition for review. The League of California Cities and a number of individual cities are sending letters in support, including many cities within Los Angeles County. Our Board previously authorized County Counsel to file an *amicus curiae* brief with the trial court in this case, although the trial court elected not to accept any *amicus curiae* briefs.”

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Therefore, on motion of Supervisor Knabe, seconded by Supervisor Burke, duly carried by the following vote: Ayes: Supervisors Burke, Knabe and Antonovich; Noes: Supervisors Yaroslavsky and Molina, the Board instructed County Counsel to:

1. Send an *amicus curiae* letter to the California Supreme Court in support of the Building Industry Association's (BIA) petition for review of *Building Industry Association of San Diego v. State Water Resources Control Board*, in which the Court of Appeal ruled against the BIA and held that a Regional Water Quality Control Board can require municipalities to comply with clean water standards by implementing measures that may be technologically infeasible or unreasonably expensive, and that go beyond the so-called Maximum Extent Practicable standard; and
2. File an *amicus curiae* brief in support of the BIA's position in the case if the California Supreme Court grants review of the case.

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Copies distributed:

Each Supervisor

Chief Administrative Officer